IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9966 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

KAYUMUDDIN SAIFUDDIN FARUKI

Versus

STATE OF GUJARAT

Appearance:

MS SUBHADRA G PATEL for Petitioner

MR SAMIR DAVE AGP for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 25/01/2001

ORAL JUDGEMENT

#. The learned counsel for the petitioner challenging the order of the detention authority detaining the petitioner as a dangerous person raised manifold contention but as this petition deserves to be allowed

only on one ground it is not necessary and desirable in the larger interest i.e. to save the valuable and precious judicial time of the courts to make reference to all those arguments, consider and record finding thereon.

#. It is contended that the documents at page Nos. 19, 25, 41, 53, 54 and 78 which are given to the petitioner are not legible. Having gone through these documents I am satisfied that the documents at page Nos. 17 and 19 are legible but the documents at page Nos. 25, 41, 53 and 54 are illegible. The learned counsel for the respondents has also accepted this position. The respondents by not giving legible copies of the documents have denied the right of making effective representation as guaranteed under Article 22(5) of the Constitution of India to the petitioner.

#. In the result, this Special Civil Application succeeds and the same is allowed. The order of detention dated 5.9.2000 is quashed and set aside and the petitioner Kayumuddin Saifuddin Faruki, detenu be set at liberty, if he is not required in any other case. Rule is made absolute. As the respondents fairly conceded the position, no order as to costs.

(S.K.Keshote, J.)

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